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HISTORY AND FINAL STATUS
of Bills and Resolutions
of the
SENATE
and
HOUSE OF REPRESENTATIVES
of the State of Montana
FIFTY-EIGHTH LEGISLATURE

REGULAR SESSION
January 6, 2003, through April 26, 2003

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4/05	RETURNED FROM ENROLLING		
4/08	SIGNED BY PRESIDENT		
4/08	SIGNED BY SPEAKER		
4/08	TRANSMITTED TO GOVERNOR		
4/11	SIGNED BY GOVERNOR		
4/11	CHAPTER NUMBER ASSIGNED		
	CHAPTER NUMBER 294		
	EFFECTIVE DATE: 10/01/2003 - ALL SECTIONS		

SB 221 INTRODUCED BY KITZENBERG *LC0447 DRAFTER: STERNBERG*

WINTER SPEAR FISHING ON FORT PECK LAKE

1/15	INTRODUCED		
1/15	REFERRED TO FISH AND GAME		
2/20	HEARING		
2/21	COMMITTEE EXECUTIVE ACTION—BILL PASSED	10	0
2/21	COMMITTEE REPORT—BILL PASSED		
2/22	2ND READING PASSED ON VOICE VOTE	48	0
2/24	3RD READING PASSED	50	0
	TRANSMITTED TO HOUSE		
3/07	REFERRED TO FISH, WILDLIFE AND PARKS		
3/11	HEARING		
3/12	COMMITTEE EXECUTIVE ACTION—BILL CONCURRED	18	2
3/13	COMMITTEE REPORT—BILL CONCURRED		
3/15	2ND READING CONCURRED	88	10
3/17	3RD READING CONCURRED	86	12
	RETURNED TO SENATE		
3/18	SENT TO ENROLLING		
3/20	RETURNED FROM ENROLLING		
3/25	SIGNED BY PRESIDENT		
3/26	SIGNED BY SPEAKER		
3/27	TRANSMITTED TO GOVERNOR		
4/03	SIGNED BY GOVERNOR		
4/03	CHAPTER NUMBER ASSIGNED		
	CHAPTER NUMBER 227		
	EFFECTIVE DATE: 10/01/2003 - ALL SECTIONS		

SB 222 INTRODUCED BY BOHLINGER *LC0624 DRAFTER: KURTZ*

ALLOW RESORT AREA TO CREATE A MUNICIPALITY

1/16	INTRODUCED		
1/16	REFERRED TO LOCAL GOVERNMENT		
1/23	HEARING		
1/31	COMMITTEE EXECUTIVE ACTION—BILL PASSED AS AMENDED	9	2
1/31	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/03	2ND READING PASSED	35	14
2/04	3RD READING PASSED	40	8
	TRANSMITTED TO HOUSE		
3/07	REFERRED TO LOCAL GOVERNMENT		
3/25	HEARING		
3/27	TABLED IN COMMITTEE		
	DIED IN STANDING COMMITTEE		

SB 223 INTRODUCED BY MCNUTT *LC0710 DRAFTER: KURTZ*

ALLOW EVIDENCE ON SEAT BELT NONUSE TO BE ADMISSIBLE IN CERTAIN CIVIL ACTIONS

1/16	INTRODUCED		
1/16	REFERRED TO HIGHWAYS AND TRANSPORTATION		
1/23	HEARING		
2/14	COMMITTEE EXECUTIVE ACTION—BILL PASSED AS AMENDED	9	3
2/14	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/15	2ND READING PASSED	31	19
2/17	3RD READING PASSED	32	18
	TRANSMITTED TO HOUSE		
3/07	REFERRED TO JUDICIARY		
3/12	HEARING		
3/13	TABLED IN COMMITTEE		
	DIED IN STANDING COMMITTEE		

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Legislative History – Montana Session Law

Chapter: N/A Session L: 2003

Bill Number: SB 222

Checklist of Bill History

History and Final Status Sheet	☐
Introduced Bill	☐
Fiscal Note	☐
Third Reading Bill	☐
Final Version of Bill	☐

House	Senate
Committee: Local Government	Committee: Local Government
Hearing Date(s): 3/25/2003	Hearing Date(s): 1/23/2003
Committee Report: Died in Committee	Committee Report: 3/30/2003

Conference Committee

Hearing Date(s):

Conference Committee Report:

Compiler Notes

Compiled by: SK Marshall

Date: 8/7/2024

Notes: Only exhibits and Roll Calls are included in this compilation, any audio recordings are held by the Montana Historical Society.

EXHIBIT 3
DATE 3-25-03
SB 222

Chet Huntley had a dream in the '70's that came to fruition in Big Sky, Montana, one of the best of 'The Last Best Place." I've often wondered what Chet Huntley would say if he could see Big Sky today. Could he have possibly envisioned the explosive growth happening today as visitors see the magic and beauty that he saw in his home state and in particular the Big Sky area?

Since 1972 the Big Sky Owners Association with Chet Huntley as the first chair, has been the quasi-governing body for the area. In the beginning, all properties to be developed were within the boundaries of the Big Sky Owners Association. Through the years, new developments have been created that are not within those boundaries. These newer developments have impacted the services the Big Sky Owners Association offers.

Since 1976, the BSOA has been instrumental in helping establish a fire district, formed SID 318 for sewer and water lines, provided TV and radio translators, intersection lights, street signs, operated a community post office for 25 years, paved subdivision roads, got additional law enforcement, repaired bridges, set up a

recycle program, helped Big Sky Western Bank secure their commercial bank charter, constructed trials, paths and parks, and were instrumental in getting 29 acres of Ousel Falls donated to the Big Sky Community Corporation. We were the driving force in the creation of a resort tax district, transportation, zoning & sewer and water districts. All of these services & amenities benefit the entire community, not just BSOA members. Now as the Big Sky continues to grow and prosper, we need the support of the community at large to meet the ever-increasing demands of development.

As a result of the growth in Big Sky, the Big Sky Owners Association has facilitated the exploration of a local government for the area. A Governance Committee made up of BSOA members and resident electors was charged with the responsibility to look into the following:

1. Should there be a governance structure in Big Sky? If so, what kind?

2. Where should the boundaries be; should the new governance include both counties; and what kind of services should be offered?
3. Who should vote?

After a series of town meetings many of these questions have been answered. I am speaking in favor of Senate Bill 222. This bill is enabling legislation only and will give the registered voters of Big Sky the authority to become a municipality and elect a governing body. If passed, this bill will also allow other resort areas in Montana to incorporate if they so choose.

As chair of the Big Sky Owners Association, I am asking you to consider a new basis for the formation of a municipality. In Montana the 1972 Constitution allowed local governments a "new start" and granted the discretion to the Montana Legislature as well as the localities themselves, to develop new structures and powers. I am proposing you allow the area of Big Sky to do just as our constitution permits.

We ask that you consider a self-governing form of government for resort areas in the state of Montana, to allow those cities or towns to be called villages, and to waive the density requirements.

Big Sky is the #1 destination resort in Montana. We have a tremendous influx and outflow of population throughout the year. We need the benefits of governance without having to meet the density requirement.

Only registered electors will have the right to vote on the formation of the municipality. After the municipality is established, we are asking that the resident electorate be allowed to vote at some future time on the possibility of non-resident property owners having a voice in local elections.

From the beginning of Big Sky, both resident property owners and non-resident property owners have had a voice in determining the future of the Big Sky area through the Big Sky Owners Association. We are asking for the possibility of that tradition to continue.

Big Sky exists as a wonderful community because of the efforts of everyone. Local residents and non-resident landowners have worked together to build a solid base for a great community and both are stakeholders in the future. The dialogue that has been part of this process must and will continue to insure the Big Sky community's growth and preserve its integrity. Truly, democracy in action!

Penni Nance

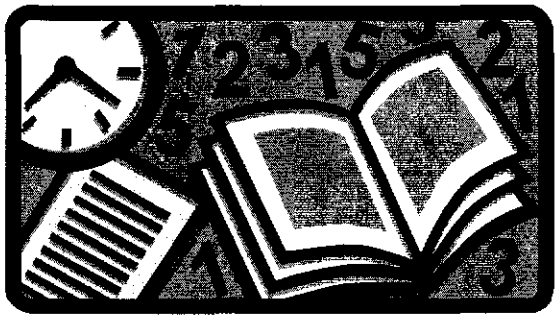

Exhibit: 4

The following exhibit contains several pages, which exceeded the maximum amount that can be scanned.

If you wish to view this exhibit, please contact the:
Montana Historical Society
225 N. Roberts Street
Helena, MT 59601
(406) 444-4774

EXHIBIT 5
DATE 3-25-03
SB 222

Dear House Member:

I am a Montana resident and a part-time resident of Big Sky. I support SB 222 which allows resort areas to incorporate. I also support the amendment in the bill which allows the resident electors to vote on the issue of part-time property owners voting in municipal elections only.

I would appreciate your support on SB222

SAL LALANI
Name
9265 TROOPER TRAIL
Address
BOZEMAN, MT. 59715

Dear House Member:

BOZEMAN MT
2003

I am a Montana resident and a part-time resident of Big Sky. I support SB 222 which allows resort areas to incorporate. I also support the amendment in the bill which allows the resident electors to vote on the issue of part-time property owners voting in municipal elections only.

I would appreciate your support on SB222

Wm C Shaw
Name
304 CANARY LANE
Address
BOZEMAN, MT 59715

Dear House Member:

I am a Montana resident and a part-time resident of Big Sky. I support SB 222 which allows resort areas to incorporate. I also support the amendment in the bill which allows the resident electors to vote on the issue of part-time property owners voting in municipal elections only.

I would appreciate your support on SB222

Heinrich Feichtl
Name
P.O. BOX 161075
Address

Dear House Member:

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I would appreciate your support on SB222

John Olson
Name
Big Sky & Sidney, MT
Address

Dear House Member:

I am a Montana resident and a part-time resident of Big Sky. I support SB 222 which allows resort areas to incorporate. I also support the amendment in the bill which allows the resident electors to vote on the issue of part-time property owners voting in municipal elections only.

I would appreciate your support on SB222

Marilyn Kelsall
Name
Big Sky & Sudbury, MT
Address

Dear House Member:

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I would appreciate your support on SB222

PAUL F BOYLAN
Name
1037 BOYLAN Rd BOZEMAN MT 59715
Address

Dear House Member:

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I would appreciate your support on SB222

Robert Nystuen
Name
200 Arbour Dr E
Address Kalispell, MT 59901

Dear House Member:

I am a Montana resident and a part-time resident of Big Sky. I support SB 222 which allows resort areas to incorporate. I also support the amendment in the bill which allows the resident electors to vote on the issue of part-time property owners voting in municipal elections only.

I would appreciate your support on SB222

Kimberlee Nystuen
Name
200 Arbour Dr E
Address
Kalispell, MT 59901

Dear House Member:

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I would appreciate your support on SB222

Name Lucia N. Glenn

Address 6225 Jack Burke Ln / 2115 Yellowtail, Big Sky, MT 59716

Dear House Member:

I am a Montana resident and a part-time resident of Big Sky. I support SB 222 which allows resort areas to incorporate. I also support the amendment in the bill which allows the resident electors to vote on the issue of part-time property owners voting in municipal elections only.

I would appreciate your support on SB222

Name DAVID R. REHBEIN

Address 123 W. HILLCREST DRIVE MISSOULA MT 59803

I OWN A GLACIER CONDO IN MEADOW VILLAGE.

Dear House Member:

I am a Montana resident and a part-time resident of Big Sky. I support SB 222 which allows resort areas to incorporate. I also support the amendment in the bill which allows the resident electors to vote on the issue of part-time property owners voting in municipal elections only.

I would appreciate your support on SB222

Name Jay C Glenn

Address 2115 Yellowtail Big Sky, MT 59716

Dear House Member:

I am a Montana resident and a part-time resident of Big Sky. I support SB 222 which allows resort areas to incorporate. I also support the amendment in the bill which allows the resident electors to vote on the issue of part-time property owners voting in municipal elections only.

I would appreciate your support on SB222

Name Penni Pierce

Address Box 7168 Billings, MT. 59103

Dear House Member:

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I would appreciate your support on SB222

William H Smoot
Name
5430 GENE SARAZEN Dr.
Address
Billings, MT 59106

Dear House Member:

I am a Montana resident and a part-time resident of Big Sky. I support SB 222 which allows resort areas to incorporate. I also support the amendment in the bill which allows the resident electors to vote on the issue of part-time property owners voting in municipal elections only.

I would appreciate your support on SB222

Mark C. Sheirbo
Name
4309 Laredo Place Billings 59106
Address
also #143 Hidden Village

Dear House Member:

I am a Montana resident and a part-time resident of Big Sky. I support SB 222 which allows resort areas to incorporate. I also support the amendment in the bill which allows the resident electors to vote on the issue of part-time property owners voting in municipal elections only.

I would appreciate your support on SB222

Jane H. Ward
Name
482 ZACHARIAH LN
Address
BOZEMAN.
MT 59718

Dear House Member:

I am a Montana resident and a part-time resident of Big Sky. I support SB 222 which allows resort areas to incorporate. I also support the amendment in the bill which allows the resident electors to vote on the issue of part-time property owners voting in municipal elections only.

I would appreciate your support on SB222

Sandra Blake
Name
316 Otter Creek Rd
Address
Big Timber, MT 59011

Dear House Member:

I am a Montana resident and a part-time resident of Big Sky. I support SB 222 which allows resort areas to incorporate. I also support the amendment in the bill which allows the resident electors to vote on the issue of part-time property owners voting in municipal elections only.

I would appreciate your support on SB222

KENT B. Williams
Name
4206 Hwy 78 Columbus, MT 59019
Address
1623 ARROWHEAD, BIG SKY

Dear House Member:

I am a Montana resident and a part-time resident of Big Sky. I support SB 222 which allows resort areas to incorporate. I also support the amendment in the bill which allows the resident electors to vote on the issue of part-time property owners voting in municipal elections only.

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Marian E. Kummer
Name
4309 Laredo Place, Billings 59106
Address
also #143 Hidden Village

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Viola J. Dailey
Name
531 Benton Ave
Address
Missoula, Mt. 59801

Dear House Member:

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I would appreciate your support on SB222

Wendell O. Ingraham
Name
Two Moons Rd, Big Sky, MT 59716
Address
341 Wildrose Ln, Bozeman, MT 59715

Dear House Member:

I am a Montana resident and a part-time resident of Big Sky. I support SB 222 which allows resort areas to incorporate. I also support the amendment in the bill which allows the resident electors to vote on the issue of part-time property owners voting in municipal elections only.

I would appreciate your support on SB222

Name

Address

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I would appreciate your support on SB222

Patricia J. Ingraham

Name

Two Moons Rd, Big Sky, MT 59716

Address

341 W. Idaho Ln, Bozeman, MT 59715

Dear House Member:

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I would appreciate your support on SB222

ROBERT L. NANCE

Name

5033 Highway 3 - Billings

Address

Lots 1-2-3 Blk 2 Sweetgrass Hills. Big Sky

Dear House Member:

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I would appreciate your support on SB222

STephen R. DaiLey

Name

501 Benton Ave

Address

Missoula, MT. 59801

Dear House Member:

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I would appreciate your support on SB222

Bob Bauerle
Name
6450 S. Meadowwood Ln Missoula MT 59803
Address

Dear House Member:

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I would appreciate your support on SB222

Patricia Bauerle
Name
6450 S. Meadowwood Ln Missoula MT 59803
Address

BUTTE, MT 597 PM 2003

Dear House Member:

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I would appreciate your support on SB222

Kevin Kelleher
Name
54725 Gallatin Road
Address Gallatin Gwy, Mt. 59730

BOZEMAN MT 06 2003

Dear House Member:

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I would appreciate your support on SB222

Penny Shaw
Name
304 Canary Lane Bozeman MT
Address 59715

7715/3226

Dear House Member:

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I would appreciate your support on SB222

Betty Holzwarth
Name
227 Greenwood Dr. Helena, MT 59601
Address

Dear House Member:

Full
I am a Montana resident and a ~~part~~-time resident of Big Sky. I support SB 222 which allows resort areas to incorporate. I also support the amendment in the bill which allows the resident electors to vote on the issue of part-time property owners voting in municipal elections only.

I would appreciate your support on SB222

Gerine (Norma) Kasen
Name
P.O. Box 161280
Address
Big Sky

Dear House Member:

I am a Montana resident and a part-time resident of Big Sky. I support SB 222 which allows resort areas to incorporate. I also support the amendment in the bill which allows the resident electors to vote on the issue of part-time property owners voting in municipal elections only.

I would appreciate your support on SB222

Kim Madsen
Name
3201 Ivy Dr Gt Falls MT 59404
Address

Dear House Member:

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I would appreciate your support on SB222

Phil Maurer
Name
169 N. Horsecreek Rd.
Address
Willsall, MT 59086

Dear House Member:

I am a Montana resident and a ~~part-time~~ full-time resident of Big Sky. I support SB 222 which allows resort areas to incorporate. I also support the amendment in the bill which allows the resident electors to vote on the issue of part-time property owners voting in municipal elections only.

I would appreciate your support on SB222

Liza Knorr
Name
Box 160542 Big Sky, MT 59716
Address

Dear House Member:

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I would appreciate your support on SB222

Bonnie Maurer
Name
169 N. Horse Creek Rd.
Address
Wilsall, MT 59086

Dear House Member:

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I would appreciate your support on SB222

Ken L. Williams
Name
17 Saint Loop Bzn
Address

Dear House Member:

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I would appreciate your support on SB222

Donald S. Raymond
Name
P.O. Box 161134 Big Sky MT. 59716
Address

Dear House Member:

I am a Montana resident and a part-time resident of Big Sky. I support SB 222 which allows resort areas to incorporate. I also support the amendment in the bill which allows the resident electors to vote on the issue of part-time property owners voting in municipal elections only.

I would appreciate your support on SB222

Name

Address

EXHIBIT 6
DATE 3-25-03
SB 222

March 24, 2003

To: Montana House of Representatives Legislative Committee

Re: SB 222

As the General Manager of the big Sky County Water and Sewer District I have been asked to comment on SB222 and to give you some background on Big Sky from the perspective of infrastructure and the impact that growth and development has had on Big Sky over past 7 years.

I'm the general manager of the Big Sky County Water & Sewer District and have served in this capacity since 1995. Our District is a county water and sewer district that serves the Mountain and Meadow Village areas of Big Sky. When I started working there, our District was in the 3rd year of a state mandated compliance order to correct problems associated with the community wastewater treatment facilities.

The order, originally issued by the Department of Health in 1993, called for substantial upgrades to the wastewater treatment system. When the order was issued, the sewer system was under the control of a rural improvement district. The community recognized the scope of the problem and also recognized that a rural improvement district was inadequate in its' authority as an entity to deal with the problems. So, the Big Sky Owner's Association successfully sponsored a community effort to create a county water and sewer district. Since its creation, our District has been working hard on facility plans and capital improvements to comply with the order.

In 1996, as the first step toward compliance, we constructed a new wastewater filter treatment plant, lined our storage ponds and replaced the golf course irrigation system for spray irrigation of treated water. That project cost $6 million dollars to complete.

It was funded through the Montana State Revolving Fund and Big Sky's resort tax. Before we could award contracts, we had to bond for the project which meant going to the voters to approve the debt for our general obligation bonds. As a county water and sewer district, Montana law allows residents and property owners to vote on all District elections. This includes bond elections as well as elections for our Board of Directors. Our bond election was done as a mail ballot election and passed with an 85% voter approval.

After the first phase of construction was complete, the Department of Environmental Quality lifted the moratorium against new construction. The race was on.

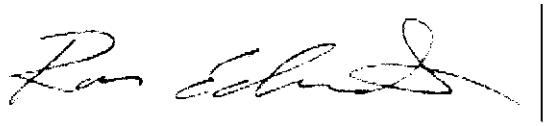
Since 1996, our District has experienced an average growth rate of 5% per year based on new sewer connection permits that our office issues. In 1998 we saw a 10% increase in growth. And already planned for next year are at least 3 rather large condominium developments.

I recognize that growth is good, and essential to businesses and the resort overall. However, in my experience, I see that Big Sky may be changing too rapidly to remain as an unincorporated community.

As was the case in 1993, when the community saw the need to ratchet up from a rural improvement district to a county water and sewer district, the time has come to consider another change in governance.

Because of the unique qualities of Big Sky, the resort, the make-up of its full-time and seasonal residents and property owners, the form of its governance should a good fit for the community and also somewhat unique. SB222 under consideration proposes to allow the establishment of central governance which will help to address some of the problems associated with growth and development.

Respectfully submitted,



Ron Edwards
General Manager
Big Sky County Water and Sewer District
PO Box 160670
Big Sky, MT 59716

EXHIBIT 7
DATE 3-25-03
SB 222

JAMISON LAW FIRM
ATTORNEYS AT LAW

MONA JAMISON
of counsel:
ROY H. ANDES

4G POWER BLOCK BUILDING, 7 W. 6th AVE.
HELENA, MONTANA 59601

PHONE: (406)442-5581
FAX: (406) 442-8293

Information Sheet- SB 222

Purpose: This bill is designed to benefit resort areas, which provide so much growth and economic benefits to Montana. The bill allows resort areas to form a town even if they would not otherwise meet the population density requirements of present law. In particular, the Big Sky community has grown to the point that many citizens believe local governance is necessary (population =1,221; housing units =1,788; taxable property =$482 million).

Name: If a qualifying municipality so desires, section 1 permits it to take the name "village," for example, "the Village of Big Sky." This helps with marketing. Use of the term "village" is optional, and affects the name, only. For all other purposes under law, new subsection (2) makes clear that the municipality is a "city" or "town."

Qualifying Areas: Section 3 adds the new criteria that allow resort areas to incorporate. All other prerequisites for municipal incorporation continue to apply. Either the area must:
(1) be entirely within an already-existing resort area (Title 7, chapter 6, part 15);
(2) be qualified to become a resort area (defined in 7-6-1501).

Multi-County Municipalities: Section 4 of the bill clarifies existing law: That municipalities proposed in more than one county must follow the incorporation procedures in all counties in which their territory lies.

Voting: Montana resort areas have an unusually high proportion of tax-paying property owners that are not full-time residents (about four times the statewide average). As a matter of fairness, therefore, Section 4 creates a local option, by which the municipal *residents* may petition and vote about whether to allow part-time resident property owners to vote in municipal elections, only. To do so, much of the language for sub-sections (3) & (4) was lifted almost verbatim from existing law (for sewer and water districts, 7-13-2212). Subsection 5 clarifies that no person may cast more than one vote, regardless of how much property is owned. Subsection (6) limits owner-voters to persons with long-term recorded legal ownership, only (eg, no time-share owners).

JAMISON LAW FIRM
ATTORNEYS AT LAW

4G POWER BLOCK BUILDING, 7 W. 6th AVE.
HELENA, MONTANA 59601

MONA JAMISON
of counsel:
ROY H. ANDES

PHONE: (406)442-5581
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SB 222- Necessity and Legality (Big Sky Governance)

With the adoption of the 1972 Constitution, Montana became one of the most innovative states in the union with regard to local government. According to Constitutional Convention committee chair, Oscar Anderson, the local government provision of the Constitution ".. seeks to achieve improvement by encouraging *experimentation* in local government powers and form." The Montana legislature followed suit by enacting some of the nation's most diverse and empowering forms of optional local government.

SB 222 continues that tradition by allowing resort areas to incorporate as towns. Montana's resort areas contribute mightily to Montana's economy. Resort areas have five times as much taxable property, per capita, as most Montana municipalities. They provide the destinations where out-of-state tourist dollars are extracted by Montanans. Resort areas contain a high number of second-homes of part-time residents who cherish their part-time community.

But, because of the residential density requirement, most resort areas are prohibited from incorporating as a town, no matter how big they become. Municipally run services like police, fire, and city court, are unavailable in areas like Big Sky, even though the resident population exceeds 1,200. Big Sky cannot make local ordinances about issues such as barking dogs. SB 222 fixes that.

SB 222 may also allow non-resident home owners to vote in resort area municipal elections, but only if the full-time residents petition and vote to allow it. At Big Sky, part-time residents outnumber full time by about 60/40. They pay the lions share of property taxes. It is only fair to permit part-timers the possibility of voting in city elections. It avoids "taxation without representation." Inclusion fosters cooperation and shared purpose; isolation breeds suspicion and conflict.

SB 222's voting provisions fully satisfy constitutional requirements. Our firm has researched the issue in detail. In a nutshell, both the Attorney General and Montana Supreme Court have upheld analogous voting provisions. And a municipal ordinance allowing part-time residents to vote in local elections in Telluride, Colorado passed muster with both the Colorado Supreme Court and the 10th U.S. Circuit Court of Appeals.

For further information or to get details on the , don't hesitate to call us, or catch Mona, live, at the Capitol. Please Support SB 222 2/19/03
Thank You, Mona

EXHIBIT 8
DATE 3-25-23
SB 222 1/5

Thank you Mr. Chairman, Members of the Committee. For the record my name is Jim Johnson. My wife, Laura Fitzgerald Johnson, and I have been home-owners for nine years in Big Sky and we are members of the Big Sky Owners Association - BSOA.

I am a current member of the BSOA Board; however, I do not appear before you today as a member of that Board.

My wife, ~~Laura Fitzgerald Johnson~~, is descendant, on both sides of the family, of Montana pioneers, and I, who

in Minnesota is how we spend our non-winter time.

While as active members of the Big Sky community, we might feel qualified to vote for Big Sky-elected officials, we do not agree that just because we pay Montana property taxes we have a right to vote here in Montana.

At the Senate Hearing on SB 222 I testified that as a former Mayor of a small town in Minnesota. I saw - up close and personal - proven

democratic processes produce results.

Now is not the time for Big Sky to become a laboratory for unproven municipal experiments in democracy. Our problems are too critical and time is not our friend. What we could call a Big Sky has been a "company town" since 1976. A quarter-of-a-century later, this company would like nothing better than to see the existing legislation pass. Why? Because the company knows the resident electors will NEVER vote to allow non-residents to vote.

In other words, the dream of a City of Big Sky will fail or be delayed.

As a BSOA Board Member

reflecting on my experiences as a former mayor, I tried to bring along the BSOM Brand and its lobbyist on how the passion of small town citizens will ultimately rule the day — even if Big Sky would remain a company town.

I failed. It was close. By one vote of Five to Four. We now have a flawed bill. A bill reflecting compromise — yes. But a bill that will produce the desired result — a city for Big Sky? — no.

Please amend the Bill. Eliminate any reference to non-residents. Big Sky

and its Montana citizens cannot wait another two years.

Thank you.

EXHIBIT 9
DATE 3-25-03
SB 222

Mr. Chairman, members of the Committee, my name is Joel Scrafford
I appreciate the opportunity to appear before your committee this afternoon.
I have been asked to present this committee with a petition signed by 270 Montana residents who support the bill which gives the residents of Big Sky the choice of forming a municipal government.
The Big Sky Owners Association wisely tackled this problem. But the result with which we are now dealing is a good idea, run amuck. In fact, many of us believe that by the Legislature passing the Enabling Legislation, as is, the matter will meet certain defeat when the issue is brought before the resident electors back in Big Sky.

The petitioners strongly oppose any portion of the bill which would empower non residents with the privilege of voting, holding office, and passing ordinances which would affect all who come into Big Sky's jurisdiction. These provisions would create a class of special voters who, now today, by their own choice, chose not to pay our taxes, license their vehicles, or assume any of the responsibilities that go with the privilege of voting.

You have heard from the Big Sky Governance Committee who ~~that~~ say they represent the views of the community. Lets look at the Committee. They are composed of and funded by the Big Sky Owners Association. BSOA has paid a lobbyist ~~$44~~ 52,000 to represent their interest. An additional ~~$52~~ 54,000 was paid to this same lobbyist from resort tax funds. BSOA has over 2000 members of which less than 300 even have a local address. Perhaps half this number are registered voters in Montana. The majority do not know the difference between Eureka and Ekalaka. This committee does not represent the views of the registered voters living in Big

Sky. Indeed, BSOA is one of many homeowners association in the Big Sky area. One could say they bring their values from Florida and California and are attempting to impose them on Montanans's .

These vacation home owners have an elitists attitude. Two comments made at public meetings reflect the attitude of these nonresidents. "If nonresidents do not get to vote, we could end up with a bar owner for Mayor". And; "If nonresidents can't vote, only kitchen help will be allowed to vote".

If this Committee passes this bill, it would in essence, create a state within the state of Montana.

Therefore, we urge this Committee to delete the sections which would give nonresidents voting rights, and to pass a bill which will allow Montana residents living in Big Sky the right to decide if they want to incorporate.

Lastly, I am extremely concerned about the including of non residents being allowed to register to vote and its adverse impact on Montana. From 1980 until I retired in 1995, I served as the Special Agent in Charge of Montana and Wyoming for USFWS's Law Enforcement Division. Approximately 70% of my Agency's time was assisting Montana Fish, Wildlife, & Parks with license fraud investigations. In 1980, FWP was losing over 3 million dollars a year to various mail and wire fraud schemes. A typical case involved an individual buying property in Montana, obtaining a Montana Drivers License and then obtaining a resident hunting or fishing license.

Most of these investigations were prosecuted in Federal District Court under the

Lacey Act. The Lacey Act provides assistance to states when illegally taken game moves in interstate commerce. This is a 5/$250,000 per count felony. At trial, the compelling question in establishing the defendant's residency was WHERE IS HE REGISTERED TO VOTE. One may own property and license their vehicles in many jurisdictions. However, in the United States, you can only register to vote in one jurisdiction.

If non residents are allowed to register to vote, this could imped prosecution of non residents fraudulently obtaining resident Montana hunting and fishing licenses. I strongly suggest that this Committee consult with the U.S. Attorney's office as well as FWP's attorney to obtain their views on the impact of allowing non residents the privilege of registering to vote in any Montana election.

Therefore, please allow Big Sky to become a city, but let it become a Montana city with traditional voters voting applying Montana standards. Remember, you were elected by Montanan's to represent Montana, not a lobbyist or out of state interest. Thank you for this opportunity to speak to you today.

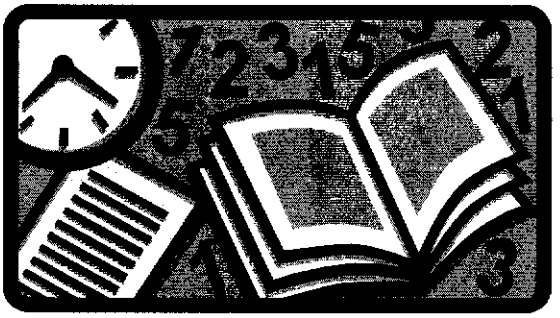

Exhibit: 10

The following exhibit contains several pages, which exceeded the maximum amount that can be scanned.

If you wish to view this exhibit, please contact the:
Montana Historical Society
225 N. Roberts Street
Helena, MT 59601
(406) 444-4774

EXHIBIT 11
DATE 3-25-03
SB 222

Proposed Amendment # 1
SB 222
Prepared by: Gregory A. Van Horssen

1. Page 1, line 11:
After: ";"
Insert: "CREATING LIMITATIONS ON ANNEXATION AND JURISDICTION FOR RESORT AREA MUNICIPALITIES;"

2. Page 3, line 25:
Insert: NEW SECTION. **Section 5. Municipalities within resort areas – limitations on annexation and jurisdiction.** The following limitations apply to territories that are established under and meet the requirements of 7-2-4103(1)(c):

(1) a resort area municipality formed pursuant to §7-2-4103(1)(c) may not annex any contiguous holding of 80 acres or more without the express written consent of the affected landowner.

(2) notwithstanding the provisions of § 76-3-601(2)(b), a resort area municipality formed pursuant to §7-2-4103(1)(c) does not have authority to enforce any ordinance or zoning for any contiguous holding of 80 acres or more, or portion thereof, without first obtaining the express written consent of the affected landowner.

3. Beginning on page 3, line 26: Renumber subsequent sections

-END-

EXHIBIT 12
DATE 3-25-03
SB 222

Proposed Amendment #2
SB 222
Prepared by: Gregory A. Van Horssen

1. Page 1, line 11:
After: ";"
Insert: "CREATING LIMITATIONS ON ANNEXATION AND JURISDICTION FOR RESORT AREA MUNICIPALITIES;"

2. Page 3, line 25:
Insert: NEW SECTION. **Section 5. Municipalities within resort areas – limitations on annexation and jurisdiction.** The following limitations apply to territories that are established under and meet the requirements of 7-2-4103(1)(c):

(1) a resort area municipality formed pursuant to §7-2-4103(1)(c) may not annex any land that has not been previously subdivided or approved for subdivision pursuant to statute.

(2) notwithstanding the provisions of § 76-3-601(2)(b), a resort area municipality formed pursuant to §7-2-4103(1)(c) does not have authority to enforce any ordinance or zoning for any contiguous holding of 80 acres or more, or portion thereof, without first obtaining the express written consent of the affected landowner.

3. Beginning on page 3, line 26: Renumber subsequent sections.

-END-

EXHIBIT 13
DATE 3-25-03
SB 222

OPPOSITION TO SENATE BILL 222'S PROVISION EXEMPTING A CLASS OF NONRESIDENTS FROM MONTANA'S VOTER RESIDENCY REQUIREMENT

Submitted to: Members, Montana House of Representatives
58th Legislative Session - 2003

Submitted by: Franklin D. Culver
3111 Blackwood Road
Bozeman, MT 59718

March 3, 2003

I, Franklin D. Culver, am a qualified resident and voter of Gallatin County, Montana, and an owner of taxable real property in Gallatin County, Montana. I am also the owner of taxable real properties with the incorporated municipalities of Great Falls and Stanford, Montana but where I am unqualified to vote being a nonresident there.

I oppose SB222's unprecedented provision (hereafter "Exemption") exempting nonresidents owning real property in resort municipalities from the State's residency requirements for voting. Exemption represents a radical departure from the laws that determines who can and can not vote in our State. If the exemption passes, Montana will be abandoning its one-man, one-vote legal principle that applies for electoral processes in Montana and real property ownership will become a qualification for voting in certain cimmunities. This raises serious legal questions.

Other questions arise. Will the exempt nonresident property owners also be deemed competent jurors? Will the exempt nonresident property owners also be qualified to vote in school district elections? Will the exempt nonresident property owners also be eligible to be candidates for public office?

With nonresident property ownership increasing in Montana pressure for other kinds of nonresident exemptions can be expected. Will we have similar residency exemptions to allow nonresident voting in county and state elections? Could we see residency exemptions for the hunting and fishing licenses? Could we expect residency exemptions for in-state tuition at the University system? SB 222's resident exemption could be an incremental step backwards into another colonialism era for Montana but with the resort moguls replacing the copper barons of the past?

Exemption Circumvents The Residence Requirement Mandate Of Article IV, § 2 Of The Montana Constitution

The Montana Constitution, Article IV, § 2, defines a qualified elector as:

> Any citizen of the United States 18 years of age or older who meets the registration and residence requirements provided by law unless he is [a imprisoned felon or legally found of unsound mind.]

Mont. Const. Art. IV, § 2. (Emphasis added.) Our Constitution is clear - meeting the State's residence is required of all qualified electors. Therefore a qualified voter must be a resident:

> [B]e a resident of the state of Montana and of the county in which he offers to vote for 30 days.

MCA 13-1-111(1)(c). Yet the purpose of the Exemption is to give nonresident real property owners a exemption from this residence requirement. See SB 222, § 4.

It is obviously impossible for a class of nonresidents to meet the State's residency requirement while being exempt from the same requirement. The Exemption is an unsubtle attempt by some nonresidents to evade Article IV, § of the State Constitution.

Exemption Ignores Statutory Residency Requirements

The Exemption applies to MCA 13-1-111(1)(c) requiring qualified voters to be Montana residents. However it ignores other relevant residency requirement statutes including:

> A residence is not gained by temporarily coming into the county (MCA 13-1-12(5));
>
> There can only be one residence (MCA 13-1-113); and,
>
> That a municipal elector means a resident of that municipality (MCA 7-1-4121).

State Residents Are Protected Against Voter Discrimination

The Exemption discriminates against Montana citizens. Discrimination occurs when:

> Montana residents living in the resort municipalities have their votes diluted by allowing non-residents, property owners to also vote; and,
>
> Montana residents who own taxable real property in Class 1-3 cites and towns but who would remain unable to vote locally because they do not meet residency requirements.

Additionally the Exemption discriminates against the many out-of-state nonresidents who own taxable real property in Class 1-3 cites and towns but because of voter residency requirements are unable to vote locally.

Fixing voter qualifications that unfairly discriminate are prevented under the Equal Protection Clause of the Federal Constitution. See generally Harper v. Virginia Bd of Elections, 383 U.S. 663 (1966).

Using Property Ownership To Qualify A Voter Contradicts Equal Protection

SB222 proffers no compelling State interest (in fact is silent) about any justification for giving nonresident real property owners the franchise to vote locally in resort municipalities but denying the same local voting franchise to other nonresidents owning real property in other municipalities. Yet an unequal or discriminatory application of the voting franchise based on property ownership requires compelling justification in order not to violate the equal protection clause of the Federal Constitution.

Courts have found that both the interests of State as well as the interests of those excluded from voting must be considered:

> [In determining the validity] under the equal protection clause of the Federal Constitution or statutory provisions requiring ownership of ... real property as a condition of the right to vote, the courts will consider both the interest which the state seeks to promote and the interest of those excluded from voting by such requirements. [W]here those excluded from voting are as substantially interested in the matter voted upon as those authorized to vote, or stated otherwise, where those authorized to vote are not the only ones primarily affected and interested in the matter voted upon, the courts will not uphold the validity of such provision, since it is violative of the equal protection clause.

See 35 L Ed 2d 843.

Neither Wealth Nor Payment Of Taxes Can Be Used As Qualification For Voting

Some argue that the payment of taxes gives the right to vote. However, the U.S. Supreme Court has found otherwise:

> [A] State violates the Equal Protection Clause of the Fourteenth Amendment whenever it makes the affluence of the voter or payment of any fee an electoral standard. Voter qualifications have no relation to wealth nor the paying or not paying this or any other tax. Our cases demonstrate that the Equal Protection Clause of the Fourteenth Amendment restrains the States from fixing voter qualifications which invidiously discriminate.

Harper v. Virginia Bd. of Elections, 383 U.S. 663 (1966) (Footnote omitted), (Emphasis added.)

This Supreme Court opinion squelches the supposition that simply paying taxes qualifies a property owner to vote in the local electoral processes.

Exemption Violates One-Person, One-Vote Legal Principle

Montana's current residency requirements assure one-person, one-vote. Yet under the Exemption, Montana would have two differing classes of qualified voters: residents and a new class - nonresidents owning real property in resort municipalities.

Some people would be in both classes and could vote in more than one municipal election. For example, voting in the municipality where he/she resides (Montana or elsewhere), and voting again in a Montana resort municipalities where he/she owns taxable real property. The conclusion is inescapable; the exemption is contrary to the one-person, one-vote principle.

Allowing Fractional Owners To Vote Raises Equal Protection Question

SB 222 broadly defines an owner of taxable real property to include multiple owners of the same property. Although the current amended version excludes timeshare owners, any legal aged owner whose name appears on a recorded deed instrument (of non-time share real property) could vote regardless of the percent of ownership they hold in the property, i.e. a person with 5% ownership could vote.

Allowing multiple (fractional) owners of a property to vote in local elections dilutes the vote of local residents. Moreover, the loading up the vote through excessive fractional interests in real property can violate the equal protection clause of the Federal Constitution. See generally Brown v. Board of Com'rs of Chattanooga, Tenn., 722 F. Supp. 380 (E.D. Tenn. 1989).

Exemption Is A Special Interest Privilege Given Only To Resort Areas

Exemption for nonresident property owners from the state voting residency requirement - would be another instance of a special privilege granted to resorts but withheld from other Montana cities and towns. Other special privileges include: allowing a resort (local) options tax with 5% local property relief (MCA 7-6-1504); and, allowing the generous issuance of additional "resort" all-beverage licenses and gambling machine permits (MCA 16-4-202.)

Granting resort municipalities special privileges but not extending them to traditional cities and towns is building an inequitable State municipal system which is highly questionable public policy with long-term implications.

***

In conclusion, I urge House members to ask - for what fathomable public purpose would any lawmaker seek to exempt a narrow class of nonresident property owners from the State's Constitutionally mandated voting residence requirement for voting?

For reasons stated above, I request Members to amend the Exemption out of SB 222.

HOUSE OF REPRESENTATIVES
Roll Call
LOCAL GOVERNMENT COMMITTEE

DATE 3-25-03

NAME	PRESENT	ABSENT	EXCUSED
REP. MARK NOENNIG, CHAIRMAN			✓
REP. SCOTT MENDENHALL, VICE CHAIR MAJORITY	✓		
REP. EILEEN CARNEY, VICE CHAIR MINORITY	✓		
REP. ARLENE BECKER			✓
REP. ROD BITNEY	✓		
REP. LARRY CYR	✓		
REP. RON DEVLIN	✓		
REP. GARY FORRESTER	✓		
REP. RAY HAWK	✓		
REP. HAL JACOBSON	✓		
REP. JESSE LASLOVICH	✓		
REP. BOB LAWSON	✓		
REP. PENNY MORGAN			✓
REP. RICK MAEDJE	✓		
REP. ALAN OLSON	✓		✓
REP. HOLLY RASER			

/s/LocalGovRollCall.2003

Montana House of Representatives
Visitors Register

LOCAL GOVERNMENT COMMITTEE **Date** 3/25/03

Bill No. SB 222 **Sponsor(s)** Sen Bohlinger

PLEASE PRINT **PLEASE PRINT** **PLEASE PRINT**

Name and Address	Representing	Support	Oppose	Inf.
Marron Higgins Big Sky MT	self	✓		
Dick Wiggin Big Sky	BSOA	✓		
Penni Dawes	BSOA	✓		
James W Johnson	self		✓	
Doug Simpfenda for	Self	✓		
Kathy Simpfenderfer	Self	✓		
William J. Olson	Self			
David Leverett	Self		✓	
M.T. MacNaus	SELF		✓	
PATRICK J COLLINS	SELF		✓	
JOEL SCRAFFORD	SELF		~~✓~~	X
Patty Scrafford	self		✓	
Heidi Olson	self		✓	
Mona Jamison	BSOA	✓		
Don Hoyd	BSOA	✓		
Greg Van Horssen	Schlueter Group		✓	
Sen. Perry				

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

Montana House of Representatives
Visitors Register

LOCAL GOVERNMENT COMMITTEE Date 3/25/03

Bill No. SB-163 Sponsor(s) Sen Mangan

PLEASE PRINT PLEASE PRINT PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
Gordon Morris	MACo	✓		
Charles Brooke	Yellowstone Co	✓		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

Montana House of Representatives
Visitors Register

LOCAL GOVERNMENT COMMITTEE **Date** 03/25/03

Bill No. SB-288 **Sponsor(s)** Sen Mangan

PLEASE PRINT **PLEASE PRINT** **PLEASE PRINT**

Name and Address	Representing	Support	Oppose	Inf.
Gordon Morris	MACo	✓		
Mike Grayson	Anaconda-D.L. County			✓
Chuck Brooks	Yellowstone County	✓		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

EXHIBIT 4
DATE 3-27-03
SB 222

LAW OFFICES

Keller, Reynolds, Drake, Johnson and Gillespie, P.C.

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GREGORY A. VAN HORSSEN
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GLEN L. DRAKE (1927-2001)
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E-MAIL: firm@kellerlawmt.com

Chairman Mark Noennig
House Local Government Committee
Montana State Capitol
Helena, MT 59601

HAND DELIVERED

March 26, 2003

Re: SB 222 Amendments proposed by The Schlueter Group

Dear Mr. Chairman and Committee Members:

Thank you for allowing me the opportunity to provide testimony on SB 222 on March 25, 2003. Thank you also for considering the modest amendments which will provide assurances to bordering landowners that their property rights will not be limited by any newly created "resort area municipality." With this letter, I hope to address some of the lingering concerns that I have heard regarding those proposed amendments. I ask that this letter be made a part of the record in this matter.

As you know, the amendments that I proposed will prohibit the resort area municipality from annexing any contiguous parcel of 80 acres or larger without the express written consent of the affected landowner and also limits the new municipality's extra territorial jurisdiction over the same class of parcels. I believe that this set of amendments is reasonable in light of the creation of this new governmental entity and its potential authority. My biggest concern is that these landowners likely bought their properties with the understanding that they would never be subject to a municipality's authority to dictate how the property could be enjoyed. However, as you know, SB222 will waive any density requirements for "resort area municipalities" which will now have the full authority of any other municipality. This includes the ability to annex surrounding lands and the ability to exercise extraterritorial jurisdiction over surrounding lands.

As I walked through the halls of the Capitol today, I heard a few concerns about the proposed amendments which I would like to address. The concerns are set forth below.

1. This is not just a single person issue: While it is true that I am being compensated for my time by a single person, this is far from a single person issue. My client owns a larger

parcel near the resort community of Big Sky. He bought the property for retirement and so that he could enjoy a wide range of recreational pursuits including hunting, fishing snowmobiling, etc. When he bought the property, he never envisioned that these uses could someday be limited by a "municipality" because he knew that the Big Sky area would never meet requisite density requirements. I can only assume that there are many other similarly situated people who own land near the two resort areas in Montana or near areas that will, under SB222, be able to become "resort area municipalities" in the future. In that regard, I speak for those people as well.

2. The Annexation and ETJ issues are not too "hot" as addressed by the proposed amendments. Given the very narrow application of the limitations as set forth in the amendments, I disagree. Certainly, if we were attempting to create new limitations on annexation and ETJ for all municipalities, this would add a new and very controversial provision to the bill. We are not. These amendments only address the jurisdiction of the *new* type of municipal entity created by SB222 and, as such, are entirely appropriate in this bill. They will not be precedential in any way because the type of entity that they control is brand new in Montana.

3. The amendments do not create equal protection issues. The amendments acknowledge that a certain class of landowner (owners of larger parcels) have an interest in preserving their recreational use rights in the face of this newly created governmental authority. It could be argued that the state has a compelling interest in protecting these rights, especially in light of the coincident and unforeseen creation of this new municipality that could limit those rights. As for the size of the parcel creating an equal protection argument, the Committee may choose to lower the acreage figure in order to protect more boundary landowners. My intention was to keep the protected holdings rather large so as to minimize municipality's work when seeking to obtain authority. I leave this issue to the Committee.

Thank you for the opportunity to address these issues. I ask for your favorable consideration on the amendments that I proposed in committee yesterday. As always, I am available for your questions.

Sincerely,

Gregory A. Van Horssen

EXHIBIT 5
DATE 3-27-03
SB 222

Amendments to Senate Bill No. 222
3rd Reading Copy

Requested by Representative Rick Maedje

For the House Local Government Committee

Prepared by Connie Erickson
March 26, 2003 (10:27am)

1. Title, line 11 through line 13.
Strike: "ALLOWING" on line 11 through "ELECTORS;" on line 13

2. Page 3, line 4.
Strike: "Except" through "an"
Insert: "An"

3. Page 3, line 10 through line 24.
Strike: subsections (4), (5), and (6) in their entirety

- END -

HOUSE OF REPRESENTATIVES
Roll Call
LOCAL GOVERNMENT COMMITTEE

DATE 3-27-03

NAME	PRESENT	ABSENT	EXCUSED
REP. MARK NOENNIG, CHAIRMAN			
REP. SCOTT MENDENHALL, VICE CHAIR MAJORITY	✓		
REP. EILEEN CARNEY, VICE CHAIR MINORITY	✓		
REP. ARLENE BECKER	✓		
REP. ROD BITNEY	✓		
REP. LARRY CYR	✓		
REP. RON DEVLIN	✓		
REP. GARY FORRESTER	✓		
REP. RAY HAWK	✓		
REP. HAL JACOBSON	✓		
REP. JESSE LASLOVICH			✓
REP. BOB LAWSON	✓		
REP. PENNY MORGAN	✓		
REP. RICK MAEDJE	✓		
REP. ALAN OLSON	✓		
REP. HOLLY RASER	✓		

/s/LocalGovRollCall.2003

HOUSE OF REPRESENTATIVES
Roll Call Vote
LOCAL GOVERNMENT COMMITTEE

DATE 3/27/03 BILL NO SB 112 MOTION NO. _____
MOTION: Table

NAME	AYE	NO	ABSENTEE
REP. ARLENE BECKER		✓	
REP. ROD BITNEY	✓		
REP. LARRY CYR		✓	
REP. RON DEVLIN		✓	
REP. GARY FORRESTER		✓	
REP. RAY HAWK	✓		
REP. HAL JACOBSON		✓	
REP. JESSE LASLOVICH		✓	
REP. BOB LAWSON	✓		
REP. RICK MAEDJE	✓		
REP. PENNY MORGAN	✓		
REP. ALAN OLSON	✓		
REP. HOLLY RASER	✓		
REP. EILEEN CARNEY, VICE CHAIR MINORITY		✓	
REP. SCOTT MENDENHALL, VICE CHAIR MAJORITY	✓		
REP. MARK NOENNIG, CHAIRMAN		✓	

8-8

HOUSE OF REPRESENTATIVES
Roll Call Vote
LOCAL GOVERNMENT COMMITTEE

DATE 3/27/03 BILL ~~SB~~ HB 112 MOTION NO. _____
MOTION: _____

Table

NAME	AYE	NO	ABSENTEE
REP. ARLENE BECKER		✓	
REP. ROD BITNEY	✓		
REP. LARRY CYR	✓		
REP. RON DEVLIN		✓	
REP. GARY FORRESTER	✓		
REP. RAY HAWK	✓		
REP. HAL JACOBSON		✓	
REP. JESSE LASLOVICH		✓	
REP. BOB LAWSON	✓		
REP. RICK MAEDJE	✓		
REP. PENNY MORGAN	✓		
REP. ALAN OLSON	✓		
REP. HOLLY RASER	✓		
REP. EILEEN CARNEY, VICE CHAIR MINORITY		✓	
REP. SCOTT MENDENHALL, VICE CHAIR MAJORITY	✓		
REP. MARK NOENNIG, CHAIRMAN	✓		

11 - 5 carried to table

s:\LocalGovRollCallVote2003

HOUSE STANDING COMMITTEE REPORT

March 28, 2003

Mr. Speaker:

We, your committee on **Local Government** recommend that **Senate Bill 288** (third reading copy -- blue) **be concurred in as amended.**

Signed: Mark E. Noennig
Representative Mark Noennig, Chair

To be carried by Representative Jesse Laslovich

And, that such amendments read:

1. Title, line 5.
Strike: "REQUIRING"
Insert: "CLARIFYING THAT"

2. Title, line 6.
Following: "~~CITY-COUNTY~~"
Insert: "IS NOT REQUIRED"

3. Page 3, line 6.
Following: "(4)"
Insert: "do not"

4. Page 3, line 7.
Strike: "BUT" through "ADOPTED"
Insert: "or to"

- END -

Committee Vote:
Yes 15, No 1.

661350SC.hhn

3-28-03

HOUSE STANDING COMMITTEE REPORT

Mr. Speaker:

We, your committee on **Local Government** recommend that **Senate Bill 163** (third reading copy -- blue) **be concurred in and be placed on the consent calendar**.

Signed: Mark E. Noennig
Representative Mark Noennig, Chair

To be carried by Representative Jesse Laslovich

- END -

Committee Vote:
Yes 16, No 0.

661349SC.hhn

3.28.03

HOUSE STANDING COMMITTEE REPORT

March 28, 2003

Mr. Speaker:

We, your committee on **Local Government** recommend that **Senate Bill 150** (third reading copy -- blue) **be concurred in and be placed on the consent calendar**.

Signed: Mark E. Noennig
Representative Mark Noennig, Chair

To be carried by Representative Penny Morgan

- END -

Committee Vote:
Yes 16, No 0.

661348SC.hhn 3-28-03

HOUSE STANDING COMMITTEE REPORT

March 28, 2003

Mr. Speaker:

We, your committee on **Local Government** recommend that **Senate Bill 24** (third reading copy - - blue) **be concurred in**.

Signed: Mark E Noennig
Representative Mark Noennig, Chair

To be carried by Representative Eileen Carney

- END -

Committee Vote:
Yes 11, No 5.

661347SC.hhn

3-28-03

HOUSE STANDING COMMITTEE REPORT

Mr. Speaker:

We, your committee on **Local Government** recommend that **Senate Bill 168** (third reading copy -- blue) **be concurred in.**

Signed: Mark E. Noennig
Representative Mark Noennig, Chair

To be carried by Representative Arlene Becker

- END -

Committee Vote:
Yes 12, No 4.

661346SC.hhn

3-28-03

HOUSE STANDING COMMITTEE REPORT

Mr. Speaker:

We, your committee on **Local Government** recommend that **Senate Bill 197** (third reading copy -- blue) **be concurred in.**

Signed: _____
Representative Mark Noennig, Chair

To be carried by Representative Cindy Younkin

- END -

Committee Vote:
Yes 16, No 0.

661345SC.hhn

3-28-03

COMMITTEE FILE COPY

TABLED BILL

The **HOUSE LOCAL GOVERNMENT COMMITTEE** TABLED **SB 112, SB 222**, by motion, on **Thursday, March 27, 2003**.

Mari Prewett
(For the Committee)

(Chief Clerk of the House)

9:20 / 3-28
(Time) (Date)

March 28, 2003 | Mari Prewett, Secretary | Phone: 444-4829

HOUSE OF REPRESENTATIVES
Roll Call Vote
LOCAL GOVERNMENT COMMITTEE

DATE 3/27/03 BILL NO SB 24 MOTION NO. _____
MOTION: Maedje Amend - to SB 24

NAME	AYE	NO	ABSENTEE
REP. ARLENE BECKER		✓	
REP. ROD BITNEY		✓	
REP. LARRY CYR		✓	
REP. RON DEVLIN		✓	
REP. GARY FORRESTER		✓	
REP. RAY HAWK		✓	
REP. HAL JACOBSON		✓	
REP. JESSE LASLOVICH		✓	
REP. BOB LAWSON		✓	
REP. RICK MAEDJE	✓		
REP. PENNY MORGAN	✓		
REP. ALAN OLSON		✓	
REP. HOLLY RASER	✓		
REP. EILEEN CARNEY, VICE CHAIR MINORITY	✓		
REP. SCOTT MENDENHALL, VICE CHAIR MAJORITY		✓	
REP. MARK NOENNIG, CHAIRMAN		✓	

Failed 12-4

COMMITTEE ABSENTEE BALLOT

DATE: March 27, 2003

I hereby authorize Rep. Carney
to cast my vote(s) as follows:

SB 011 2301. ace yes
SB 112 - No
SB 112 - yes to table
SB 150 - yes
SB 163 - yes

SB 288 - amendment - yes
SB 288 - yes
SB 22201 - yes
SB 222 - No
SB 222 - table - yes

Representative [signature]

S:\ABSENTEE BALLOT2003.wpd

COMMITTEE ABSENTEE BALLOT

DATE: 3/27/03

I hereby authorize Rep. Scott McAdams
to cast my vote(s) as follows:

SB 197 -YES

Representative [signature]

S:\ABSENTEE BALLOT2003.wpd

Montana House of Representatives
Visitors Register

LOCAL GOVERNMENT COMMITTEE **Date** 3/27/03

Bill No. SB-168 **Sponsor(s)** Sen Stonington

PLEASE PRINT **PLEASE PRINT** **PLEASE PRINT**

Name and Address	Representing	Support	Oppose	Inf.
Mary Jantison Helena	Gallatin	✓		
LEE PROVANCE	GALLATIN COUNTY	✓		
Dea Huggrove	Gallatin Cnty	X		
Gregory Robertson	Missoula County	X		
Roger HALVER	MT ASSN Realtors	X		
Steve Mandeville	Helena Assoc	X		
Gordon Morris	MACO	X		
Bill Kennedy	Yellowstone Co.	✓		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

Montana House of Representatives
Visitors Register

LOCAL GOVERNMENT COMMITTEE **Date** 3/27/03

Bill No. SB-197 **Sponsor(s)** Sen Perry

PLEASE PRINT **PLEASE PRINT** **PLEASE PRINT**

Name and Address	Representing	Support	Oppose	Inf.
Mona Jamison Helena	Hallstein	✓		
Don Hargrove	Gallatin Co.	X		
Gerald Mueller	MACO	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

Montana House of Representatives
Visitors Register

LOCAL GOVERNMENT COMMITTEE **Date** 3/27/03

Bill No. SB-246 **Sponsor(s)** Sen Glaser

PLEASE PRINT **PLEASE PRINT** **PLEASE PRINT**

Name and Address	Representing	Support	Oppose	Inf.
Charles Brooks	Yellowstone CTY	✓		
Pat Clinch	MSCPFF	✓		
Gordon Morris	MACo	✓		
Bill Kennedy	Yellowstone Co.	✓		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

Senate Local Govt. Comm.
Exhibit No. 1
Date 1-23-03
Bill No. SB 222

Amendments to Senate Bill No. 222
1st Reading Copy

Requested by Senator John Bohlinger

For the Senate Local Government Committee
Prepared by Leanne Kurtz
January 23, 2003 (8:58am)

1. Title, line 11.
Following: "ELECTIONS"
Insert: "IF APPROVED BY RESIDENT ELECTORS"

2. Page 3, line 6 through line 8.
Strike: "or" on line 6 through "municipality" on line 8

3. Page 3, line 9.
Strike: ", as provided in subsection (3)(b),"
Insert: "that is situated within the boundaries of the municipality in which the individual proposes to vote"

4. Page 3, line 10.
Following: "13-1-111(1)(c)"
Insert: "and may vote in elections subsequent to the creation of a municipality"
Following: "if"
Insert: ": (a)"

5. Page 3, line 12.
Following: "administrator"
Insert: "; and (b) a petition signed by at least 100 resident electors of the municipality is:
(i) filed with the governing body of the municipality not less than 30 days or more than 180 days before a regular, primary, or general election; and
(ii) approved by a majority of resident electors voting in the election"

6. Page 3, line 16.
Following: "greater."
Insert: "The term does not mean a timeshare owner as defined in 37-53-102."

- END -

Senate Local Govt. Comm.
Exhibit No. 2
Date 1-23-03
Bill No. SB 222

Chet Huntley had a dream in the '70's that came to fruition in Big Sky, Montana, one of the best of 'The Last Best Place." I've often wondered what Chet Huntley would say if he could see Big Sky today. Could he have possibly envisioned the explosive growth happening [redacted] as visitors see the magic and beauty that he saw in his home state and in particular the Big Sky area?

Since 1972 the Big Sky Owners Association with Chet Huntley as the first chair, has been the quasi-governing body for the area. In the beginning, all properties to be developed were within the boundaries of the Big Sky Owners Association. Through the years, new developments have been created that are not within those boundaries. These newer developments have impacted the services the Big Sky Owners Association offers.

As a result of the growth in Big Sky, the Big Sky Owners Association has facilitated the exploration of a local government

for the area. A Governance Committee was charged with the responsibility to look into the following:

1. Should there be a governance structure in Big Sky? If so, what kind?
2. Where should the boundaries be; ~~should the new governance include both counties~~; and what kind of services should be offered?
3. Who should vote?

After a series of town meetings many of these questions have been answered. I am speaking in favor of Senate Bill 222. This bill is enabling legislation only and will give the registered voters of Big Sky the authority to become a municipality and elect a governing body. If passed, this bill will also allow other resort areas in Montana to incorporate if they so choose. As Mona Jamison so often says, "This is truly democracy in action."

As chair of the Big Sky Owners Association, I am asking you to consider a new basis for the formation of a municipality. In Montana the 1972 Constitution allowed local governments a "new start" and granted the discretion to the Montana Legislature as well as the localities themselves, to develop new structures and powers. I am proposing you allow the area of Big Sky to do just as our constitution permits.

We ask that you consider a self-governing form of government for resort areas in the state of Montana, to allow those cities or towns to be called villages, and to waive the density requirements.

Many of you live in cites or towns that offer a number of services, can enact ordinances and resolutions for the benefit of its citizens and allow citizens to vote on their representatives and local issues. The citizens of Big Sky are asking for that same privilege. Big Sky is the #1 destination resort in Montana. We have a tremendous influx and outflow of population throughout the year. We need

the benefits of governance without having to meet the density requirement.

Only registered electors will have the right to vote on the formation of the municipality. After the municipality is established, we are asking that the resident electorate be allowed to vote at some future time on the possibility of non-resident property owners having a voice in local elections.

From the beginning of Big Sky, both resident property owners and non-resident property owners have had a voice in determining the future of the Big Sky area through the Big Sky Owners Association. We are asking for the possibility of that tradition to continue. in the new municipality

Big Sky exists as a wonderful community because of the efforts of everyone. Local residents and non-resident landowners have worked together to build a solid base for a great community.

PENNI NANCE

PO Box 7168
Billings, Montana 59103
5033 Highway 3
Billings, Montana 59106

Phone: 406-245-2550
Fax: 406-245-9796
Email: penni@wtp.net

Senate Local Govt. Comm.
Exhibit No. 3
Date 1-23-03
Bill No. SB 222

Senate Bill 222

Jon Holtzman
50300 Gallatin Rd.
Gallatin Gateway, Montana
(406) 995-2066

Mr Chairman, members of the committee:

My name is Jon Holtzman. I am a full-time resident of the Gallatin Canyon and live about 3 miles north of the turn off of 191 to Big Sky. I'm retired. I am in favor of SB 222 and I support the amendment that will govern how and if non-resident property owners get to vote. I vote in Big Sky.

I've been paying taxes in the canyon since 1990 and have been coming to area since 1965 when I had the good fortune to marry a Montana girl.

One of the reasons a lot of people originally moved to Big Sky was to escape the pressures of over population, to get out of the fast lane, the traffic, the control of government regulation.

It's a place to smell the roses, to be free, to be independent, to do your own thing - to be a cowboy.

But unfortunately when enough of us cowboys get together in one place we start to recreate the situation we escaped. We get to the point where we may need structure, organization, direction - to avoid becoming just another urban sprawl.

I'm not a member of the Big Sky Owners Association. To tell you the truth, I don't know how I'd vote on incorporation. There isn't enough information yet. What will the boundaries be? What kinds of services will be provided? What will it cost?

If you pass this bill giving us the right to decide our own future, a vote for incorporation is not a slam dunk. Regardless of whether non-residents are permitted to vote or not, the vote will not be a slam dunk.

But I think Big Sky needs - deserves - the right to consider the question. We may never achieve the population density to qualify under current law. But we are certainly achieving the population density to develop some of the same problems incorporated communities have.

- Like you, I am an elected official - I'm a school board member. We're trying to look into the future to determine what kind of facility we will need in ten years. Unlike many Montana school districts, we are growing.

  There is no central place to go to learn what is planned and anticipated.

- I'm a member of a group that collects and analyzes water samples monthly from the Gallatin River. The Gallatin is one of the last wild rivers in Montana. I worry about the impact of housing developments in the canyon - all on septic systems - on the river. Right now that is relatively unregulated growth.

- Over the past few months I have participated with a group of business and community leaders in a strategic planning process for the business community.

It is safe to say that in that group of 25 there was and is mixed opinion on whether an incorporation or a voluntary organization is the best way to address potential challenges.

But among the top challenges out of thirty the group envisioned were:

1. Lack of centralization and common vision
2. Unregulated growth
3. Fragmentation of planning and parochial interests/lack of a common vehicle for action
4. Not having centralized, cohesive, savvy, connected community vehicle.

The changes we have seen in Big Sky and the canyon in the past 20 years make it obvious that change is going to happen - whether we like it or not.

I think it is important that such change happens with a plan.

The residents of Big Sky need an opportunity to make a decision. Without this bill we won't get a chance to make a choice.

If this bill passes, both those opposed to village status and those in favor will get the opportunity to voice their opinion.

Thank you for considering the bill and I hope you will see it through to being enacted.

Thank you.

January 23, 2003

To: Montana Legislative Committee - SB 222 LOCAL GOVERNANCE

I have been asked to appear today to give you some background on Big Sky from the perspective of infrastructure and the impact that growth and development has had on Big Sky over past 7 years.

I'm the general manager of the Big Sky County Water & Sewer District and have served in this capacity since 1995. Our District is a county water and sewer district that serves the Mountain and Meadow Village areas of Big Sky. When I started working there, our District was in the 3rd year of a state mandated compliance order to correct problems associated with the community wastewater treatment facilities.

The order, originally issued by the Department of Health in 1993, called for substantial upgrades to the wastewater treatment system. When the order was issued, the sewer system was under the control of a rural improvement district. The community recognized the scope of the problem and also recognized that a rural improvement district was inadequate in its' authority as an entity to deal with the problems. So, the Big Sky Owner's Association successfully sponsored a community effort to create a county water and sewer district. Since its creation, our District has been working hard on facility plans and capital improvements to comply with the order.

In 1996, as the first step toward compliance, we constructed a new wastewater filter treatment plant, lined our storage ponds and replaced the golf course irrigation system for spray irrigation of treated water. That project cost $6 million dollars to complete.

It was funded through the Montana State Revolving Fund and Big Sky's resort tax. Before we could award contracts, we had to bond for the project which meant going to the voters to approve the debt for our general obligation bonds. As a county water and sewer district, Montana law allows residents and property owners to vote on all District elections. This includes bond elections as well as elections for our Board of Directors.

Our bond election was done as a mail ballot election and passed with an 85% voter approval.

After the first phase of construction was complete, the Department of Environmental Quality lifted the moratorium against new construction. The race was on.

Since 1996, our District has experienced an average growth rate of 5% per year based on new sewer connection permits that our office issues. In 1998 we saw a 10% increase in growth. And already planned for next year are at least 3 rather large condominium developments.

I recognize that growth is good, and essential to businesses and the resort overall. However, in my experience, I see that Big Sky may be changing too rapidly to remain as an unincorporated community.

As was the case in 1993, when the community saw the need to ratchet up from a rural improvement district to a county water and sewer district, the time has come to consider another change in governance.

Because of the unique qualities of Big Sky, the resort, the make-up of its full-time and seasonal residents and property owners, the form of its governance should a good fit for the community and also somewhat unique. The bill under consideration proposes to do that.

Respectfully submitted,

Ron Edwards
General Manager
Big Sky County Water and Sewer District
PO Box 160670
Big Sky, MT 59716

Senate Local Govt. Comm.
Exhibit No. 5
Date 1.23.03
Bill No. SB 222

Madison County Board of Commissioners

Commissioners
C. Ted Coffman
Frank G. Nelson
David Schulz

PO Box 278
Virginia City, MT 59755

e-mail: madco@3rivers.net

Phone: (406)843-4277
Fax: (406)843-5517

January 23, 2003

Senate Local Government Committee
Montana Senate
Helena, MT 59620

RE: SB 222

Dear Chairman Bohlinger and Committee Members:

The Board of Madison County Commissioners support Senate Bill 222 that would enable the citizens of the Big Sky Resort Area, or any resort area the opportunity to decide their own destiny.

Currently there are many special districts and homeowners associations each pulling in different directions.

We believe that the residents of those areas deserve the opportunity to decide if they want to have an incorporated village.

We also believe that any area that is incorporated should accept the County Roads as village or town roads within the boundaries because properties in incorporated towns do not pay County Road taxes.

Thank you for your consideration and urge you to approve this bill as amended.

Sincerely,

C. Ted Coffman

C. Ted Coffman, Commissioner

Frank Nelson

Frank G. Nelson, Commissioner
Board of Commissioners
Madison County

Exhibit:

6

This exhibit is a petition which has several pages it can not be scanned due to the page limit for scanning.

If you wish to view this it is on file at the
Montana Historical Society
225 North Roberts Street
Helena, MT
(406) 444-7482

Senate Local Govt. Comm.
Exhibit No. 7
Date 1-23-03
Bill No. SB 222

January 23, 2003

Senator John Bohlinger
2233 Remington Sq.
Billings, MT. 59102-2489

Senator Bohlinger & Committee Members,

I am Dee Rothschiller, Administrator for the Big Sky Owners Association, a non profit homeowners association in Big Sky, Montana with 1200 members. I am here today to ask you to listen to and consider public comment for Senate Bill 222, a step towards incorporation of the community of Big Sky. Big Sky is an unincorporated resort community that lies within two counties, Gallatin County with 1033 registered voters and Madison County with 69 voters.

Last November, after numerous public town meetings, the BSOA Board of Directors approved the enabling legislation that is presented to you today, as the first step towards incorporation of Big Sky. It was the Boards goal to take the steps necessary to establish a municipality in the Big Sky area & that this municipality would be created only after an affirmative vote of the people affected. We are asking you to approve two basic areas: 1) exemption to the population density requirement, which is 500 people per square mile and the inclusion of two counties, Gallatin and Madison within our boundaries. Your favorable vote on Senate Bill 222 will give the registered voters of Big Sky the opportunity to come together, discuss and then vote on local government for our community. This vote allows only registered electors to have the right to vote on the creation of a municipality. Non-resident landowners would not have that right.

When people stop in the BSOA office and ask just what is the BSOA, my response is that the BSOA is a quasi form of local government, you might call us city hall. The services we provide are community services that expand beyond our membership.

In 1976, 27 years ago, Gus Raaum, the first chairman of the BSOA Board of Directors, said that the primary function of the BSOA is to be the quasi municipal body established to provide common area services throughout the "entire community". Since then the BSOA has been instrumental in helping to establish a fire district, formed RID 318 for sewer and water lines, TV and radio translators, intersection lights, street signs, operated a community post office for 25 years, paved subdivision roads, got additional law enforcement, repaired bridges, set up a recycle program, helped the Big Sky Western Bank secure their commercial bank charter, restored the historic Crail Ranch, endorsed efforts to prohibit toxic material in semi trucks traveling thru the Gallatin Canyon via highway 191, constructed trails, paths and parks, and were instrumental in getting 29 acres of Ousel Falls donated to the Big Sky Community Corporation. We were the driving force in the creation of a resort tax district, transportation, zoning and sewer & water districts. All of these services & amenities benefit the entire community, not just BSOA.

In 1993, ten years ago, Bill Murdock, now a Gallatin County Commissioner and at that time the Executive Administrator of the BSOA said that it was time to explore options for a local government that would service and meet the needs of the growing Big Sky community. Big Sky's growth has exploded. There are now numerous subdivisions outside our jurisdiction. Some of these are the Yellowstone Club, Spanish Peaks, Moonlight Basin, Skywood Preserves, Town Center, Beavercreek, The Big EZ, Westfork Meadows, South Fork, the Gallatin Canyon. Everyplace you look there is a new road and new homes. Even though these areas are outside the BSOA, we are there to help them. BSOA has outgrown Gus Raam's message of 27 years ago, to provide services for the entire community.

Big Sky needs a local government where all of these areas can come together, listen to each other and work out what's best for everyone. Please endorse and vote to approve Senate Bill 222, then send it back to us in Big Sky for the registered voters to approve or disapprove. Let them have the option to cast the deciding vote on what's best for our community.

Thank you,

Dee Rothschiller

Dee Rothschiller

Senate Local Govt. Comm.
Exhibit No. 7
Date 1-23-03
Bill No. SB 222

January 23, 2003

Senator John Bohlinger
2233 Remington Sq.
Billings, MT. 59102-2489

Senator Bohlinger & Committee Members,

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Last November, after numerous public town meetings, the BSOA Board of Directors approved the enabling legislation that is presented to you today, as the first step towards incorporation of Big Sky. It was the Boards goal to take the steps necessary to establish a municipality in the Big Sky area & that this municipality would be created only after an affirmative vote of the people affected. We are asking you to approve two basic areas: 1) exemption to the population density requirement, which is 500 people per square mile and the inclusion of two counties, Gallatin and Madison within our boundaries. Your favorable vote on Senate Bill 222 will give the registered voters of Big Sky the opportunity to come together, discuss and then vote on local government for our community. This vote allows only registered electors to have the right to vote on the creation of a municipality. Non-resident landowners would not have that right.

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In 1993, ten years ago, Bill Murdock, now a Gallatin County Commissioner and at that time the Executive Administrator of the BSOA said that it was time to explore options for a local government that would service and meet the needs of the growing Big Sky community. Big Sky's growth has exploded. There are now numerous subdivisions outside our jurisdiction. Some of these are the Yellowstone Club, Spanish Peaks, Moonlight Basin, Skywood Preserves, Town Center, Beavercreek, The Big EZ, Westfork Meadows, South Fork, the Gallatin Canyon. Everyplace you look there is a new road and new homes. Even though these areas are outside the BSOA, we are there to help them. BSOA has outgrown Gus Raam's message of 27 years ago, to provide services for the entire community.

Big Sky needs a local government where all of these areas can come together, listen to each other and work out what's best for everyone. Please endorse and vote to approve Senate Bill 222, then send it back to us in Big Sky for the registered voters to approve or disapprove. Let them have the option to cast the deciding vote on what's best for our community.

Thank you,

Dee Rothschiller

Dee Rothschiller

Senate Local Gov't. Comm.
Exhibit No. 8
Date 1-23-03
Bill No. SB 222

JAMISON LAW FIRM
ATTORNEYS AT LAW

MONA JAMISON
of counsel:
ROY H. ANDES

4G POWER BLOCK BUILDING, 7 W. 6th AVE.
HELENA, MONTANA 59601

PHONE: (406)442-5581
FAX: (406) 442-8293

Reasons to Support SB 222

1. NEED FOR LEGISLATION: Why can't these areas incorporate like existing towns?

   a. The problem is density. Present law requires to form a municipality that an area must to have a density of at least 500 "inhabitants resident" per square mile. Ordinarily that density accurately describes communities that are in need of local governance and services (such as police, fire, judicial, road maintenance, etc.) But resort areas have many homes owned by persons who are not present full -time, and therefore do not show up in the census as residents. Thus in resort areas, the density requirement is often impossible to meet, even though the quantity of buildings and character of the core community is very much like a town.

   b. Table 1, attached, illustrates this. The 13 example municipalities average ten times the density of residents per square mile (based on the census) compared to resort communities (1662 versus 165). Yet the average taxable property per square mile for resorts is close behind existing municipalities. (Forty-five million dollars versus $71 million). Because the census includes a lot of undeveloped land in its definitions of "areas," but not in towns, the actual density of developed areas are probably almost equal to municipalities (See third "data" column in Table 1).

2. VOTING: Why should there be an option for part-time residents to vote in municipal elections?

   a. As amended, SB 222 allows municipal residents of resort municipalities to petition and vote whether to allow part-time resident landowners to vote in the municipality. SB thus makes it optional whether part-time residents vote, and the option requires the approval of a majority of full-time residents in order to be adopted in the municipality.

   b. In resort areas like Big Sky, a disproportionally large share of the property taxes are paid by part-time resident owners of second homes, condominiums, and cottages. The voting provisions in SB 222 thus seek to avoid municipal "taxation without representation."

i. Table 1 reports data from seven Montana resort communities and 13 representative municipalities. The resorts average .8 housing units per resident compared to .54 in municipalities. In Big Sky and Finley Point, the ratios are 1.46 and 1.29 homes per resident; *more houses than people!* Obviously therefore, a great proportion of the housing in Montana's destination resort communities is owned by part-time residents.

ii. Those part-time resident home owners are paying the lion's share of property taxes. Resort communities have a many times the amount of taxable property per *resident* as regular Montana municipalities. Table 1 shows existing municipalities average $46,830 of taxable property per resident. Because the census doesn't count part-time residents, the average ratio for resort communities is $256,926, over five times the amount of existing towns (note Big Sky at $395,326 and Somers at $520,300 per resident).

iii. Property tax collections in municipalities per *year-round resident* compared to estimated collections for resort communities average $331 for municipalities compared to $1,402 for resort areas, more than four times as much for resort areas.

c. At Big Sky, many part-time residents exercise a great deal of commitment to the community in terms of volunteering and participation in civic affairs. It's a good idea to encourage these large blocks of owners and taxpayers to participate in local government. If instead, part-time residents are excluded from civic affairs, what results is less a community of people, than an atomized hodgepodge of near strangers. Inclusion fosters cooperation and shared purpose; isolation breeds suspicion and conflict.

d. The resort homeowners enfranchised by this bill are not exclusively wealthy out-of-staters. All homeowners at Big Sky belong to the common homeowner's association, the Big Sky Homeowner's Association. The membership roster of BSOA totals 1,386 (not counting multiple-property owners). Of those, 563 are *full-year Montana residents.*

e. The bill would allow part-time resident owners to vote ***only*** in municipal elections, ***not*** in county, state, or federal elections, nor may they vote on any referenda or initiatives except municipal ones.

Senate Local Govt. Comm.
Exhibit No. 9
Date 1-23-03
Bill No. SB 222

STATEMENT IN OPPOSITION TO SENATE BILL 222

Submitted by: Franklin D. Culver

Submitted to: Montana Senate Local Government Committee
58th Legislative Session - 2003

Public Hearing on SB 222
January 23, 2003

A Bill to Create Resort Area Municipalities, And To Exempt Nonresident Property Owners from Montana Residency Requirement

I. SUMMARY OF REASONS FOR OPPOSITION

I, Franklin D. Culver, a resident of Gallatin County, Montana, oppose SB222 because it would create a new class of municipality - a resort municipality - and exempt nonresident real property owners therein from the State's residency requirements for voting.

Problems with this exemption include but are not limited to:

- Would violate the Montana Constitution, Art. IV, Sec. 2 which requires that qualified electors meet State residency requirements.

- Would violates State suffrage law requiring that: voters be Montana residents (MCA 13-1-111(1)(c)); electors who are temporary visitors can not gain residency (MCA 13-1-112(5)); electors can have but one Montana residence (MCA 13-1-113); and, a municipal elector means a resident of the municipality.

- Gives the franchise to vote to nonresident taxable property owners in a resort municipality, but deny that same franchise to nonresident property owners in other cities and towns. This unequal granting of the franchise would violate the equal protection clause (14th Amendment) of the Federal Constitution.

- Owner of taxable real property in resort municipalities is defined to include fractional interests in property. The loading up the nonresident vote through excessive fractional interests violates the equal protection clause of the Federal Constitution.

- Property ownership, wealth, or affluence, are not State requirements for becoming a qualified elector. Using any of these factors for determining who can or can not vote discriminates and violates the equal protection clause of the Federal Constitution.

- A resort municipality nonresident real property owner could voting in multiple municipal electoral processes in violation of a the one-person, one-vote principle.

MONTANA SENATE
2001 LEGISLATURE
LOCAL GOVERNMENT COMMITTEE

ROLL CALL DATE 1/23/05

NAME	PRESENT	ABSENT	EXCUSED
SEN. JOHN BOHLINGER, CHAIR	✓		
SEN. JOHN ESP, VICE CHAIR			✓
SEN. JERRY BLACK	✓		
SEN. BRENT CROMLEY	✓		
SEN. JIM ELLIOT	✓		
SEN. KELLY GEBHARDT	✓		
SEN. BILL GLASER	✓		
SEN. RICK LAIBLE	✓		
SEN. JEFF MANGAN			✓
SEN. CAROLYN SQUIRES	✓		
SEN. MIKE WHEAT	✓		

DATE 1/23/03

SENATE COMMITTEE ON Local Government

BILLS BEING HEARD TODAY: SB 222, SB 197, SB 211, SB 89

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Robert F Deschuck	995-4389	Self + petitioners	222	X	
Ron Edwards	995-2660	Self	222	X	
Jerry Wortman	995-2032	Self	222	X	
Marilyn R. Hill	995-4238	self	SB 222	X	
William Robert Mellen	995-4062	SELF	SB 222	X	
Wayne O. Hill	995-4238	Self	SB 222	X	
Ronda Carpenter	899-5059	Mt County Treasurers Assoc + Cascade City	SB 89	X	
Bette Bohlinger	442-6875	Self	SB 222	X	
Ted Coffman	843-4277	MADISON County	SB 222	X	
Jon Sesso	444-6815	DEQ	SB 211	X	
Jon Williard	444-2409	DEQ	SB 211	info	
Rex Kendall	457-9207	CWA	SB 222		X
Bob Gilbert	459-1939	MT. Automobile Dismantlers & Recyclers	SB 211	X	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE 1-23-03

SENATE COMMITTEE ON Local Governance

BILLS BEING HEARD TODAY: SB 222, SB 197, SB 211, SB 89

SB 222

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Dee Rothschiller	995-4166	Big Sky Owners Assn	222	✓	
John R. FONTANA	995-4418	SELF	222	X	
Marlene Fontana	995-4418	Self	222	X	
Jon Holtzman	995-2066	Self	222	X	
Doug Simpfenderfer	995-4945	Self	222	X	
Jim Leeper	995 4146	Self	222	X	
Penni Nance	245-2580	BSOA	222	X	
Don Loyd	995-2582	BSOA	222	X	
MARY B CARLSON	933558	Self	222	X	
Richard C. Fast	995-7486	Self	222	X	
Karen Strickler	442-3796	self	222	X	
Jeff Strickler	442-3796	Self	222	X	
Jim Johnson	995 3262	Big Sky Owner Assn	222	X	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE 1/23/03

SENATE COMMITTEE ON Local Government

BILLS BEING HEARD TODAY: SB 222, SB 197, SB 211, SB 89

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Gordon Morris	2-5209	MACo	SB 89 SB 197	✓ ✓	
Ted Coffman	843-4277	MACo	SB 89 SB 197	✓	
Carol Collins	995-4460	Self	SB 222		✓
STEVE KUECHHOFF	582-2306	City of BOZEMAN	197		✓
CLARK JOHNSON	582-2306	City of BOZEMAN	197		✓
Charles Brooks	698-2380	Yellowstone County	SB 197	✓	
WILLIAM OLSON	995-7147	BIG SKY OWNERS ASSN	222	✓	
KEVIN KELLETER	995-4386	SELF	222	✓	
CARL Schweitzer	443-8514	Bozeman Chamber	197	✓	
Gary Perry	444-4800	SD 16	SB 222	✓	
Ed Tinsley	447-8304	L+C County	SB 89 SB 197	✓	
Mike Murray	447-8304	" "	SB 89 SB 197	✓ ✓	
Bob Gilbert	457-1939	City of Columbia	SB 197		✓

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE 23 Jan, '03

SENATE COMMITTEE ON Local Government

BILLS BEING HEARD TODAY: SB 197, SB 222, SB 211

SB 89

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Don Hargrove	9202478	Gallatin County	SB 197	X	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MONTANA STATE SENATE

+++++ WITNESS STATEMENT +++++

NAME HARRIET FISHEL.

ADDRESS P.O. BOX 161075 BIG SKY MT 59716

HOME PHONE: (406) 995-4217 **WORK PHONE:** (406) 995-3900

REPRESENTING BIG SKY MT

APPEARING ON WHICH PROPOSAL ? SP222 BIG SKY GOVERNANCE

DO YOU: **SUPPORT** ✓ **OPPOSE** _____ **AMEND** _____

COMMENTS:

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MONTANA STATE SENATE

+++++ WITNESS STATEMENT +++++

NAME JEROME FISHEL

ADDRESS P.O. BOX 161075 BIG SKY, MT 59716

HOME PHONE (406)995-4217 **WORK PHONE** (406) 995-3900

REPRESENTING BIG SKY

APPEARING ON WHICH PROPOSAL ? SP 222 BIG SKY GOVERNANCE

DO YOU: **SUPPORT** ✓ **OPPOSE** _____ **AMEND** _____

COMMENTS:

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MONTANA STATE SENATE

+++++ WITNESS STATEMENT +++++

NAME Ron Edwards

ADDRESS 680 Sycamore Lane, Bozeman MT

HOME PHONE: 587-4093 **WORK PHONE:** 995-2660

REPRESENTING SELF

APPEARING ON WHICH PROPOSAL ? SB 222 as AMENDED

DO YOU: **SUPPORT** X **OPPOSE** _____ **AMEND** _____

COMMENTS:

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MONTANA STATE SENATE

+++++ WITNESS STATEMENT +++++

NAME Karen Strickler

ADDRESS 1500 Jerome Place, Helena MT

HOME PHONE: 442-3796 **WORK PHONE:** game

REPRESENTING self

APPEARING ON WHICH PROPOSAL ? 202

DO YOU: **SUPPORT** X **OPPOSE** _____ **AMEND** _____

COMMENTS:

I believe all communities should be able to govern themselves.

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MONTANA STATE SENATE

+++++ WITNESS STATEMENT +++++

NAME MARILYN R. HILL

ADDRESS PO Box 160277 BIG SKY, MT 59716

HOME PHONE: 406 995-4238 **WORK PHONE:** —

REPRESENTING self

APPEARING ON WHICH PROPOSAL ? SB 222

DO YOU: **SUPPORT** X **OPPOSE** _____ **AMEND** _____

COMMENTS:

I strongly support SB 222 as it allows citizens to have a voice in controlling their local government, which so far has been impossible because of density requirements + multiple county exclusion.

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MONTANA STATE SENATE

+++++ WITNESS STATEMENT +++++

NAME Aulden L. 'Dean' Hall

ADDRESS 1631 Colorado Gulch Dr., Helena, MT 59601

HOME PHONE: 406/442-0728 **WORK PHONE:** 0

REPRESENTING SELF

APPEARING ON WHICH PROPOSAL ? SB222 as amended

DO YOU: **SUPPORT** X **OPPOSE** _____ **AMEND** _____

COMMENTS:

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MONTANA STATE SENATE

+++++ WITNESS STATEMENT +++++

NAME Dick Wiggins

ADDRESS 875 E Camino Real, Boca Raton, FL 33432

HOME PHONE: 561-391-5799 **WORK PHONE:** same

REPRESENTING Big Sky Owners Assoc.

APPEARING ON WHICH PROPOSAL ? Senate Bill 222

DO YOU: **SUPPORT** ✓ **OPPOSE** _____ **AMEND** _____

COMMENTS:

I support local control of our destiny - it is the American Way —

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MONTANA STATE SENATE

+++++ WITNESS STATEMENT +++++

NAME Robert F Donovan

ADDRESS P.O. Box 160220

HOME PHONE: 995-4389 **WORK PHONE:** _____

REPRESENTING Self

APPEARING ON WHICH PROPOSAL ? SB 222 as amended

DO YOU: **SUPPORT** X **OPPOSE** _____ **AMEND** _____

COMMENTS:

We need local goverment to bring together all of the services of a community of over 1,400 residents.

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MONTANA STATE SENATE

+++++ WITNESS STATEMENT +++++

NAME William Robert Mellen

ADDRESS P.O. Box 160627; Big Sky, MT 59716

HOME PHONE: 995-4062 **WORK PHONE:** _____

REPRESENTING SELF

APPEARING ON WHICH PROPOSAL ? S.B. 222

DO YOU: **SUPPORT** ✓ **OPPOSE** _____ **AMEND** _____

COMMENTS:

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MONTANA STATE SENATE

+++++ WITNESS STATEMENT +++++

NAME Don Hargrove

ADDRESS P O Box 1 Belgrade MT 59714

HOME PHONE: 922-0242 **WORK PHONE:** _____

REPRESENTING Gallatin County

APPEARING ON WHICH PROPOSAL ? SB 197

DO YOU: **SUPPORT** X **OPPOSE** _____ **AMEND** _____

COMMENTS:

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MONTANA STATE SENATE

+++++ WITNESS STATEMENT +++++

NAME Mona Jamison

ADDRESS Helena, Mt

HOME PHONE: 442-0379 **WORK PHONE:** 442-5581

REPRESENTING Mallaten City

APPEARING ON WHICH PROPOSAL ? SB 197

DO YOU: **SUPPORT** ✓ **OPPOSE** _____ **AMEND** _____

COMMENTS:

This bill is clarification. The mayor of a city does NOT have veto authority over county appointee.

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MONTANA SENATE
2001 LEGISLATURE
LOCAL GOVERNMENT COMMITTEE

ROLL CALL DATE 1/30/03

NAME	PRESENT	ABSENT	EXCUSED
SEN. JOHN BOHLINGER, CHAIR	✓		
SEN. JOHN ESP, VICE CHAIR	✓		
SEN. JERRY BLACK	✓		
SEN. BRENT CROMLEY	✓		
SEN. JIM ELLIOT	~~✓~~		
SEN. KELLY GEBHARDT	✓		
SEN. BILL GLASER	✓		
SEN. RICK LAIBLE	✓		
SEN. JEFF MANGAN	✓		
SEN. CAROLYN SQUIRES	✓		
SEN. MIKE WHEAT	✓		

MONTANA SENATE
2001 LEGISLATURE
LOCAL GOVERNMENT COMMITTEE
ROLL CALL VOTE

DATE 1/30 BILL NO. SB 227 NUMBER 5/6

MOTION: Do Pass As Amended

NAME	AYE	NO
SEN. JOHN BOHLINGER, CHAIR	✓	
SEN. JOHN ESP, VICE CHAIRMAN		✓
SEN. JERRY BLACK	✓	
SEN. BRENT CROMLEY	✓	
SEN. JIM ELLIOTT		✓
SEN. KELLY GEBHARDT		✓
SEN. BILL GLASER		✓
SEN. RICK LAIBLE		✓
SEN. JEFF MANGAN	✓	
SEN. CAROLYN SQUIRES		✓
SEN. MIKE WHEAT	✓	

MONTANA SENATE
2001 LEGISLATURE
LOCAL GOVERNMENT COMMITTEE
ROLL CALL VOTE

DATE 1.30.03 BILL NO. SB 89 NUMBER 9-2

MOTION: Do Pass

NAME	AYE	NO
SEN. JOHN BOHLINGER, CHAIR	X	
SEN. JOHN ESP, VICE CHAIRMAN		X
SEN. JERRY BLACK	X	
SEN. BRENT CROMLEY	X	
SEN. JIM ELLIOTT	X	
SEN. KELLY GEBHARDT	X	
SEN. BILL GLASER		X
SEN. RICK LAIBLE	X	
SEN. JEFF MANGAN	X	
SEN. CAROLYN SQUIRES	X	
SEN. MIKE WHEAT	X	

SENATE STANDING COMMITTEE REPORT

January 30, 2003

Mr. President:

We, your committee on **Local Government** recommend that **House Bill 132** (third reading copy -- blue) **be concurred in**.

Signed: _____
Senator John C. Bohlinger, Chair

To be carried by Senator Ken (Kim) Hansen

- END -

Committee Vote:
Yes 7, No 0.

201648SC.ssc

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Local Government** recommend that **Senate Bill 89** (first reading copy -- white) **do pass**.

Signed: _____
Senator John C. Bohlinger, Chair

- END -

Committee Vote:
Yes 8, No 2.

201650SC.ssc

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Local Government** recommend that **Senate Bill 211** (first reading copy -- white) **do pass**.

Signed: _____
Senator John C. Bohlinger, Chair

- END -

Committee Vote:
Yes 11, No 0.

201651SC.ssc

SENATE STANDING COMMITTEE REPORT

January 30, 2003

Mr. President:

We, your committee on **Local Government** recommend that **Senate Bill 197** (first reading copy -- white) **do pass**.

Signed: _____
Senator John C. Bohlinger, Chair

- END -

Committee Vote:
Yes 10, No 1.

201652SC.ssc

SENATE STANDING COMMITTEE REPORT

January 31, 2003

Mr. President:

We, your committee on **Local Government** recommend that **Senate Bill 222** (first reading copy -- white) **do pass as amended.**

Signed: _____
Senator John C. Bohlinger, Chair

And, that such amendments read:

1. Title, line 11.
Following: "ELECTIONS"
Insert: "IF APPROVED BY RESIDENT ELECTORS"

2. Page 2, line 16.
Following: "15;"
Insert: "or"

3. Page 2, line 17 through line 19.
Strike: "or" on line 17 through "district;" on line 19

4. Page 3, line 6 through line 8.
Strike: "or" on line 6 through "municipality" on line 8

5. Page 3, line 9.
Strike: ", as provided in subsection (3)(b),"
Insert: "that is situated within the boundaries of the municipality in which the individual proposes to vote"

6. Page 3, line 10.
Following: "13-1-111(1)(c)"
Insert: "and may vote in elections subsequent to the creation of a municipality"

Committee Vote:
Yes 9, No 2.

210837SC.sjo

Following: "if"
Insert: ": (a)"

7. Page 3, line 12.
Following: "administrator"
Insert: "; and (b) a petition signed by at least 100 resident electors of the municipality is:
(i) filed with the governing body of the municipality not less than 30 days or more than 180 days before a regular, primary, or general election; and
(ii) approved by a majority of resident electors voting in the election"

8. Page 3, line 16.
Following: "greater."
Insert: "The term does not mean a timeshare owner as defined in 37-53-102."

- END -

SENATE STANDING COMMITTEE REPORT

January 31, 2003

Mr. President:

We, your committee on **Local Government** recommend that **Senate Bill 222** (first reading copy -- white) **do pass as amended**.

Signed: _____
Senator John C. Bohlinger, Chair

And, that such amendments read:

1. Title, line 11.
Following: "ELECTIONS"
Insert: "IF APPROVED BY RESIDENT ELECTORS"

2. Page 2, line 16.
Following: "15;"
Insert: "or"

3. Page 2, line 17 through line 19.
Strike: "or" on line 17 through "district;" on line 19

4. Page 3, line 6 through line 8.
Strike: "or" on line 6 through "municipality" on line 8

5. Page 3, line 9.
Strike: ", as provided in subsection (3)(b),"
Insert: "that is situated within the boundaries of the municipality in which the individual proposes to vote"

6. Page 3, line 10.
Following: "13-1-111(1)(c)"
Insert: "and may vote in elections subsequent to the creation of a municipality"

Committee Vote:
Yes 9, No 2.

210837SC.sjo

Following: "if"
Insert: ": (a)"

7. Page 3, line 12.
Following: "administrator"
Insert: "; and (b) a petition signed by at least 100 resident electors of the municipality is:
(i) filed with the governing body of the municipality not less than 30 days or more than 180 days before a regular, primary, or general election; and
(ii) approved by a majority of resident electors voting in the election"

8. Page 3, line 16.
Following: "greater."
Insert: "The term does not mean a timeshare owner as defined in 37-53-102."

- END -

PROXY VOTE

I, THE UNDERSIGNED, HEREBY AUTHORIZE SENATOR Square TO VOTE MY PROXY ON ANY ISSUE, OR, AS SPECIFICALLY DESIGNATED ON THE REVERSE SIDE OF THIS DOCUMENT, BEFORE THE SENATE COMMITTEE ON Local Gov MEETING HELD ON 1-30, 2003.

SENATOR
STATE OF MONTANA

PROXY VOTE

I, THE UNDERSIGNED, HEREBY AUTHORIZE SENATOR _____ TO VOTE MY PROXY ON ANY ISSUE, OR, AS SPECIFICALLY DESIGNATED ON THE REVERSE SIDE OF THIS DOCUMENT, BEFORE THE SENATE COMMITTEE ON _____ MEETING HELD ON _____, 2003.

SENATOR
STATE OF MONTANA

Amendments to Senate Bill No. 222
1st Reading Copy

For the Senate Local Government Committee

Prepared by Leanne Kurtz
January 31, 2003 (8:37am)

1. Title, line 11.
Following: "ELECTIONS"
Insert: "IF APPROVED BY RESIDENT ELECTORS"

2. Page 2, line 16.
Following: "15;"
Insert: "or"

3. Page 2, line 17 through line 19.
Strike: "or" on line 17 through "district;" on line 19

4. Page 3, line 6 through line 8.
Strike: "or" on line 6 through "municipality" on line 8

5. Page 3, line 9.
Strike: ", as provided in subsection (3)(b),"
Insert: "that is situated within the boundaries of the municipality in which the individual proposes to vote"

6. Page 3, line 10.
Following: "13-1-111(1)(c)"
Insert: "and may vote in elections subsequent to the creation of a municipality"
Following: "if"
Insert: ": (a)"

7. Page 3, line 12.
Following: "administrator"
Insert: "; and (b) a petition signed by at least 100 resident electors of the municipality is:
(i) filed with the governing body of the municipality not less than 30 days or more than 180 days before a regular, primary, or general election; and
(ii) approved by a majority of resident electors voting in the election"

8. Page 3, line 16.
Following: "greater."

Insert: "The term does not mean a timeshare owner as defined in 37-53-102."

- END -

Amendments to Senate Bill No. 227
1st Reading Copy

Requested by Senator Mike Wheat

For the Senate Local Government Committee

Prepared by Mary Vandenbosch
January 28, 2003 (1:55pm)

1. Page 2, line 27 through line 28.
Following: "reference."
Strike: "A" on line 27 through "(3)(g)." on line 28

2. Page 3, line 15.
Strike: "new"
Insert: "proposed"

3. Page 4, line 14 through line 17.
Strike: ";" on line 14 through "reference" on line 17

- END -

Amendments to Senate Bill No. 191
1st Reading Copy

Requested by Senator Jerry O'Neil

For the Senate Local Government Committee

Prepared by Leanne Kurtz
January 27, 2003 (9:14am)

1. Page 4, line 23.
Strike: "it has not been determined"
Insert: "the investigator was unable to determine by a preponderance of the evidence"

2. Page 6, line 23 through line 29.
Strike: subsection (c) in its entirety
Insert: "(c) (i) If the report is unsubstantiated, the department and the social worker, county attorney, or peace officer who conducted the investigation into the circumstances surrounding the initial allegations of abuse or neglect shall destroy all of the records concerning the unsubstantiated report and the investigation within 30 days after the end of the 3-year period starting from the date the report was determined to be unsubstantiated, unless:

(A) there had been a previous or there is a subsequent substantiated report concerning the same person; or

(B) an order has been issued under this chapter based on the circumstances surrounding the initial allegations.

(ii) A person who is the subject of an unsubstantiated report that was made prior to [the effective date of this act] and after which 3 years has elapsed without there being submitted a subsequent substantiated report or an order issued under this chapter based on the circumstances surrounding the initial allegations may request that the department destroy all of the records concerning the unsubstantiated report as provided in subsection (4)(c)(i)."

- END -

Amendments to Senate Bill No. 112
1st Reading Copy

Requested by Senator John Bohlinger

For the Senate Local Government Committee

Prepared by Leanne Kurtz
January 21, 2003 (2:55pm)

1. Page 1, line 29 through page 2, line 1.
Strike: "A" on page 1, line 29 through "section." on page 2, line 1

- END -